HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 1682 OF 2001

Petitioner : B. Prasad Yadav, Aged about 54 years, Son of Late Shri Ganesh Prasad Yadav, Occupation-Executive Engineer, Electrical and Mechanical P.H.E. Department, resident of PHE colony, New Panchsheel Nagar, Raipur.

Versus

Respondents :1. The State of Madhya Pradesh, Through: The Secretary, Department of Public Health Engineer, Vallabh Bhawan, Bhopal (M.P.).

2. The State of Chhattisgarh, Through: the Secretary PHE Department, Mantralay, Raipur (Chhattisgarh).

3. Union of India, Through: Secretary, Department of Personnel and Training, Government of India under Ministry of Personnel Public Grievance and Pension New Delhi.

4. Shri K.C. Jain, Superintending Mechanical Engineer, Regional Workshop PHE DEptt, Jawahar Chowk, Bhopal, Madhya Pradesh.

Present: Shri Sunil Otwani, counsel for the petitioner.
Shri Sumesh Bajaj, Deputy Govt. Advocate for the respondent No. 2.

ORAL ORDER

(2nd January, 2006)

Heard.

1. Learned counsel for the petitioner submits that the petitioner, who is working as Executive Engineer in the department of Public Health Engineer Department in the State of Madhya Pradesh, has filed this writ petition praying that the petitioner be promoted to the post of the Superintending Engineer with effect from the date when junior to him as Executive Engineer in the erstwhile of Madhya Pradesh, has been promoted to the post of the Superintending Engineer in the present State of Madhya Pradesh.

2. Before reorganisation of State of Madhya Pradesh and State of Chhattisgarh on 1.11.2000, the Executive Engineers in the department of Public Health Engineering belonged to one cadre of erstwhile State of Madhya Pradesh. After allocation, the petitioner has been allocated State of Chhattisgarh. The respondent No. 4, who was junior to him in erstwhile State of Madhya Pradesh has been allocated the present State of Madhya Pradesh. Now both the State Governments have their separate cadre, service conditions, availability of vacancy and other administrative requirements. The petitioner cannot claim seniority for consideration of his case for promotion to the post of Superintending Engineer on the basis that the

respondent No. 4, who has been allocated to the State of Madhya Pradesh, has been promoted to the post of Superintending Engineer in the State of Madhya Pradesh. Be that as it may, learned counsel for the petitioner confines his submission to the effect that the respondent No. 2 be directed to consider his representation in accordance with law for promotion to the post of Superintending Engineer. Accordingly, the respondent No. 2 is directed to consider the representation of the petitioner, in accordance with law, for further promotion within a period of two months from the date of filing of the representation, if any.

3. In view of foregoing, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu